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Monday, October 26, 2020

City Council Regular Meeting Minutes

7:00 p.m., Webex Community Auditorium

***Minutes are unofficial until approved by Council.
Council approved minutes as presented November 23, 2020.***

1. CALLED TO ORDER AND ROLL CALL:

Mayor Peter Truax called the regular City Council meeting to order at 7:01 p.m. via Webex Video Conference.

COVID-19: Due to the emergency declaration resulting from COVID-19 (Coronavirus disease) and protocols, the City Council limited in-person contact and social distancing. **The City Council conducted the Council meeting remotely by video conferencing.** The meeting was remotely video conferenced by City Recorder Ruggles and televised live from the projector screen at the Community Auditorium by Tualatin Valley Community Television (TVCTV) Government Access Programming LIVE Channel 30. The public was allowed to attend and observe in the Community Auditorium as space allowed. The Council accepted written comments on items not on the agenda submitted by October 26, 2020, 3 pm, to the City Recorder.

ROLL CALL: COUNCIL PRESENT ATTENDED BY WEBEX REMOTELY: Kristy Kottkey; Timothy Rippe; Mariana Valenzuela; Adolph "Val" Valfre; Malynda Wenzl, Council President; and Mayor Peter Truax. **COUNCIL ABSENT:** Elena Uhing, excused.

STAFF PRESENT ATTENDED BY WEBEX REMOTELY: Jesse VanderZanden, City Manager; Ashley Driscoll, City Attorney; Paul Downey, Administrative Services Director; Bryan Pohl, Community Development Director; Tom Gamble, Parks and Recreation Director; Colleen Winters, Library Director; and Anna Ruggles, City Recorder (Community Auditorium).

2. CITIZEN COMMUNICATIONS: None.

Ruggles referenced the following written e-mail correspondence, which was included in the Council Packet:

DATE	NAME	SUBJECT	Support	Opposed	Other
10/12/2020	1. Steve & Valarie Stewart	The flag			X
10/12/2020	2. Terri Timmons	Mural			X
10/12/2020	3. Dean & Robin Pittman	Flag Mural		X	

10/14/2020	4. Eli & Lindsey Richardson	Thank you			X
10/14/2020	5. Lucy Christianson	FG Mural			X
10/14/2020	6. Joni & Jeff Mullen	Mural		X	
10/14/2020	7. Mike Abshier	Fist Imagery		X	

3. CONSENT AGENDA:

Items under the Consent Agenda are considered routine and are adopted with a single motion, without separate discussion. Council members who wish to remove an item from the Consent Agenda may do so prior to the motion to approve the item(s). Any item(s) removed from the Consent Agenda will be discussed and acted upon following the approval of the remaining Consent Agenda item(s).

- A. Approve City Council and Public Arts Commission Joint Work Session (Murals) Meeting Minutes of September 14, 2020.
- B. Approve City Council Work Session (B/C Applicant Recruitment Interviews) Meeting Minutes of September 28, 2020.
- C. Approve City Council Regular Meeting Minutes of September 28, 2020.
- D. Approve City Council Work Session (Council Rules of Procedures) Meeting Minutes of October 12, 2020.
- E. Approve City Council Work Session (B/C Applicant Recruitment Interviews) Meeting Minutes of October 12, 2020.
- F. Accept Public Arts Commission Meeting Minutes of September 17, 2020.
- G. **RESOLUTION NO. 2020-101 AMENDING THE CITY OF FOREST GROVE'S DECLARATION OF STATE OF EMERGENCY, EFFECTIVE MARCH 14, 2020, AT 1:00 P.M., TO BE EXTENDED AND REMAIN IN EFFECT UNTIL 8:00 P.M. ON NOVEMBER 9, 2020, UNLESS SUPERSEDED SOONER; AMENDING RESOLUTION NO. 2020-97.**

MOTION: Councilor Rippe moved, seconded by Councilor Valfre, to approve the Consent Agenda as presented. **VOICE VOTE:** AYES: Councilors Kottkey, Rippe, Valenzuela, Valfre, Wenzl, and Mayor Truax. NOES: None. ABSENT: Councilor Uhing. **MOTION CARRIED 6-0.**

4. ADDITIONS/DELETIONS:

VanderZanden advised staff had no additions/deletions to the agenda; however, VanderZanden referenced an e-mail correspondence, dated Friday, October 23, 2020, sent by Seema Khatcherian, project coordinator, which included submittal of the final image for the social justice mural for Council approval. Pursuant to Resolution No. 2020-100, the Council asked that the image for the mural be submitted for final approval at the next regularly scheduled meeting after the image was submitted to the City. VanderZanden advised staff is prepared to present a verbal report tonight if the Council requests the item be added to the agenda without a

staff report and a proposed resolution or Council may request the item be placed on the next regularly scheduled Council meeting agenda with a staff report and a proposed resolution. Pursuant to Council Rules, both actions require a majority vote of the Councilmembers present. Mayor Truax opened Council discussion, which resulted with the following motion as outlined below.

MOTION TO ADD ITEM 4. A: Council President Wenzl moved, seconded by Councilor Valenzuela, to add Item 4. A. to the Agenda, Pertaining to Final Approval of the Image for the Social Justice Mural. **ROLL CALL VOTE:** AYES: Councilors Kottkey, Rippe, Valenzuela, Wenzl, and Mayor Truax. NOES: Councilor Valfre. ABSENT: Councilor Uhing. MOTION CARRIED 5-1.

4. A. APPROVAL OF FINAL IMAGE FOR THE SOCIAL JUSTICE MURAL

Mayor Truax referenced an e-mail correspondence, dated Sunday, October 25, 2020, sent by Seema Khatcherian, project coordinator, which stated that she arranged a meeting with The Confederated Tribes of Grand Ronde Cultural and the wording on the final design was recommended by their Resources Department Manager and was guided by deep discussion on land acknowledgement. The wording states: *"These are the Indigenous Homelands Of The Tualatin Band of the Kalapuya"*. Because these words represent those who were Native to Forest Grove, Khatcherian asked Council to respect the wording. Khatcherian asked Council to approve the final image as is or approve it so that whatever remaining edits are decided do not need to be look at again/approved by Council. Khatcherian concluded by expressing their thanks and deep appreciation for the patience and support throughout the process.

Mayor Truax opened Council discussion, which resulted with the following motion as outlined below.

MOTION TO APPROVE ITEM 4. A: Council President Wenzl moved, seconded by Councilor Valenzuela, to approve Item 4. A. Final Approval of the Image for the Social Justice Mural as Presented (as submitted by Project Coordinators on October 23, 2020).

Rippe asked Wenzl if she would concur to amending the above-noted motion to ensure that the American flag was depicted consistent with U.S. flag code on the rendering of the design (13 horizontal stripes, alternate red and white and 50 stars), to which Wenzl concurred. In response to Rippe's concerns if the City reserves the right to fix the rendering of design, Driscoll concurred the City reserves the right to do what it wants. Kottkey added the project coordinator stated that they would ensure the flag is depicted accurately.

MOTION AS AMENDED 4. A: Councilor Rippe moved, seconded by Councilor Wenzl, to approve Item 4. A. Final Approval of the Image for the Social Justice

Mural with one edit: The American flag be depicted consistent with U.S. flag code (13 horizontal stripes, alternate red and white and 50 stars). VOICE VOTE: AYES: Councilors Kottkey, Rippe, Valenzuela, Valfre, Wenzl, and Mayor Truax. NOES: None. ABSENT: Councilor Uhing. MOTION CARRIED 6-0.

Hearing no further discussion from the Council, Mayor Truax asked for a roll call vote on the above motion as amended.

ROLL CALL VOTE: AYES: Councilors Kottkey, Rippe, Valenzuela, Valfre, Wenzl, and Mayor Truax. NOES: None. ABSENT: Councilor Uhing. MOTION CARRIED 6-0.

5. PRESENTATIONS: None.

6. A. PUBLIC HEARING AND ORDER NO. 2020-05 AMENDING THE FOREST GROVE COMPREHENSIVE PLAN MAP TO RE-DESIGNATE CERTAIN PARCELS FROM GALES CREEK NEIGHBORHOOD MIXED USED (NMU) TO MEDIUM DENSITY RESIDENTIAL (MDR) AND NEIGHBORHOOD COMMERCIAL (NC); AND CERTAIN OTHER PARCELS FROM HIGH-DENSITY RESIDENTIAL(HDR) TO MEDIUM DENSITY RESIDENTIAL (MDR); FILE NO. 311-20-000164 -PLNG

Staff Report:

Reitz and Pohl presented the above-proposed order for Council consideration, noting the proposed order is amending the Comprehensive Plan Map and Zoning Map to re-designate certain parcels from the Gales Creek Neighborhood Mixed Use (NMU) to Medium Density Residential (MDR) and Neighborhood Commercial (NC) and adjacent parcels from High-Density Residential (HRD) to Medium Density Residential (MDR) and amending the Zoning Map to re-designate the same parcels as Residential Multi-Unit Low Density (RML) and Neighborhood Commercial (NC) and Residential Multi-Unit Low Density (RML); File No. 311-20-0000164-PLNG.

Reitz presented an overview outlining the bases on the analysis and findings of fact and conclusions contained in the record on the policy questions the Planning Commission considered to amend the Comprehensive Plan Map, as shown in Exhibit A and Exhibit B, and findings supporting the Planning Commission's recommendations as contained in Planning Commission Decision No. 2020-08, attached as Exhibit C. Reitz advised the proposed amendments were developed in response to an application that failed in 2019 to construct a single-parcel new commercial building in the Gales Creek NMU zoning district. Review of the application exposed issues with developing a single site in an area that was intended for a more comprehensive design approach. The Gales Creek NMU zoning provisions, particularly the village center (which was not defined), and planned development site review requirements posed insurmountable hurdles to any new commercial development. Recognizing these concerns, the Planning Commission and Council

directed staff to return with an alternative approach for the Gales Creek NMU area that would facilitate development through a more simplified process. As a result, staff held a neighborhood information sharing meeting with the affected property owners in the Gales Creek NMU zoning district. The consensus reached was for an approach that would allow additional commercial development, but with more specific standards and a more certain (less discretionary) review process, and that only the parcels located closest to the Gales Creek Road / Thatcher Road intersection needed to be reserved for commercial use. Staff developed three proposed map amendments (as graphically depicted in the staff report) which were approved by the Planning Commission and forwarded to Council for consideration. In conclusion of the above-noted staff report, Reitz and Pohl advised staff is recommending Council approve the proposed order, as outlined in Exhibit A, and Exhibit B, and as outlined in Exhibit C, Planning Commission Findings and Decision No. 2020-08, Approve Comprehensive Plan Map and Development Code Zoning Amendment.

Public Hearings Opened:

Mayor Truax opened the Public Hearings for Item 6. A. and 6. B. and explained the quasi-judicial hearing procedures. Mayor Truax asked for any disclosures of any conflicts of interest, ex parte contacts, bias, or abstentions. There were no conflicts of interest and no challenges from the audience.

Written Testimony Received:

No written testimony was received.

Proponents:

No one testified and no written comments were received.

Opponents:

No one testified and no written comments were received.

Others:

No one testified and no written comments were received.

Public Hearing Closed:

Mayor Truax closed the Public Hearings for Item 6. A. and 6. B.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Order No. 2020-05.

VanderZanden read Order No. 2020-05 by title.

MOTION: Councilor Rippe moved, seconded by Councilor Valfre, to adopt Order No. 2020-05 Amending the Forest Grove Comprehensive Plan Map to Re-

Designate Certain Parcels from Gales Creek Neighborhood Mixed Used (NMU) to Medium Density Residential (MDR) and Neighborhood Commercial (NC); and Certain Other Parcels from High-Density Residential (HDR) to Medium Density Residential (MDR); File No. 311-20-000164-PLNG.

Council Discussion:

Hearing no concerns from the Council, Mayor Truax asked for a roll call vote on the above motion.

ROLL CALL VOTE: AYES: Councilors Kottkey, Rippe, Valenzuela, Valfre, Wenzl, and Mayor Truax. NOES: None. ABSENT: Councilor Uhing. MOTION CARRIED 6-0.

6. B. PUBLIC HEARING AND ORDER NO. 2020-06 AMENDING FOREST GROVE ZONING MAP AMENDMENT TO RE-DESIGNATE CERTAIN PARCELS FROM GALES CREEK NEIGHBORHOOD MIXED USE (NMU) TO RESIDENTIAL MULTI-UNIT LOW DENSITY (RML) AND NEIGHBORHOOD COMMERCIAL (NC); AND CERTAIN OTHER PARCELS FROM RESIDENTIAL MULTI-UNIT HIGH DENSITY (RMH) TO RESIDENTIAL MULTI-UNIT LOW DENSITY (RML); FILE NUMBER: 311-20-000164-PLNG

Staff Report:

Reitz and Pohl presented the above-proposed order for Council consideration, noting the proposed order is amending the Zoning Map to re-designate certain parcels from the Gales Creek Neighborhood Mixed Use (NMU) to Residential Multi-Unit Low Density (RML) and Neighborhood Commercial (NC) and certain other parcels from Residential Multi-Unit High Density (RMH) to Residential Multi-Unit Low Density (RML); File No. 311-20-0000164-PLNG. In conclusion of the above-noted staff report, Reitz and Pohl advised staff is recommending Council approve the proposed order, as outlined in Exhibit A, and Exhibit B, and as outlined in Exhibit C, Planning Commission Findings and Decision No. 2020-08, Approve Comprehensive Plan Map and Development Code Zoning Amendment.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Order No. 2020-06.

VanderZanden read Order No. 2020-06 by title.

MOTION: Councilor Valfre moved, seconded by Councilor Rippe, to adopt Order No. 2020-06 Amending Forest Grove Zoning Map Amendment to Re-Designate Certain Parcels from Gales Creek Neighborhood Mixed Use (NMU) to Residential Multi-Unit Low Density (RML) and Neighborhood Commercial (NC); and Certain Other Parcels from Residential Multi-Unit High Density (RMH) to

Residential Multi-Unit Low Density (RML); File No. 311-20-000164-PLNG.

Council Discussion:

Hearing no concerns from the Council, Mayor Truax asked for a roll call vote on the above motion.

ROLL CALL VOTE: AYES: Councilors Kottkey, Rippe, Valenzuela, Valfre, Wenzl, and Mayor Truax. NOES: None. ABSENT: Councilor Uhing. MOTION CARRIED 6-0.

6. C. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 2020-05 AMENDING FOREST GROVE DEVELOPMENT CODE ARTICLE 1 INTRODUCTION AND PROCEDURES, ARTICLE 3 ZONING DISTRICTS, ARTICLE 4 OVERLAY DISTRICTS AND ARTICLE 8 GENERAL DEVELOPMENT STANDARDS; FILE NO. 311-20-000165-PLNG

Staff Report:

Reitz and Pohl presented the above-proposed ordinance for first reading, noting the proposed ordinance is amending Development Code Article 1 Introduction and Procedures, § 17.1.610; 17.1.710; and 17.1.715 (to update legal notice requirements from five days to seven days); Article 3 Zoning Districts, § 17.3.320, 17.3.330 (to update the Neighborhood Commercial zoning district standards, which have not been updated since 1980); Article 4 Overlay Districts, § 17.4.315 (to eliminate references to the Gales Creek NMU zoning district pursuant to the above-noted map amendments in File No. 311-20-000164); and Article 8 General Development Standards, § 17.8.120; 17.8.135; 17.8.505; 17.8.510; and 17.8.710 (to update off-street parking and other minor legislative amendments); File Number 311-20-000165-PLNG. In conclusion of the above-noted staff report, Reitz and Pohl advised staff is recommending Council approve the proposed ordinance, as outlined in Exhibit A – Exhibit D, and as outlined in Exhibit E, Planning Commission Findings and Decision No. 2020-05, Development Code § 17.2.630 Text Amendment Review Criteria.

Before proceeding with the Public Hearing and Council discussion, Mayor Truax asked for a motion to adopt Ordinance No. 2020-05 for first reading.

VanderZanden read Ordinance No. 2020-05 by title for first reading.

MOTION: Councilor Rippe moved, seconded by Councilor Valfre, to adopt Ordinance No. 2020-05 Amending Forest Grove Development Code Article 1 Introduction and Procedures, Article 3 Zoning Districts, Article 4 Overlay Districts and Article 8 General Development Standards; File No. 311-20-000165-PLNG.

Public Hearing Opened:

Mayor Truax opened the Public Hearing and explained the legislative hearing procedures.

Written Testimony Received:

No written testimony was received.

Proponents:

No one testified and no written comments were received.

Opponents:

No one testified and no written comments were received.

Others:

No one testified and no written comments were received.

Public Hearing Continued:

Hearing no concerns from the Council, Mayor Truax continued the Public Hearing to November 9, 2020.

7. COUNCIL COMMUNICATIONS:

Kottkey commented that she would like Council Communications to occur at the start of the Council meeting, noting it is her favorite part of the meeting. In addition, Kottkey provided updates on her neighborhood Focus Group webinars and Book Club that she is hosting.

Rippe provided updates on various regional-related virtual meetings he attended and the Chamber luncheon. In addition, Rippe asked that the Library consider reopening, noting the Library is the last city service that needs to reopen to the public.

Uhing was absent.

Valenzuela reported she was invited to speak before the Metro Council as they read their resolution proclaiming *Indigenous Peoples' Day*, noting she would like the Council to consider doing the same proclamation, which occurs annually on the second Monday in October. Valenzuela provided an update on Metro's proposal to construct a new solid waste transfer station in Cornelius, noting Metro is hosting webinars. In addition, Valenzuela reported that Centro Cultural, located in Cornelius, is seeing an increase in community members seeking shelter, noting the community needs to do a better job serving the homelessness.

Valfre reported the Library has been working very hard at finding ways to engage the public, noting the Library is hosting special live-streamed programs. Valfre provided

an update on proposed new legislation regarding safe and humane legal restrictions related to homelessness, noting the proposal is imposing reasonable time, place and manner restrictions on regulated activities in public space. In addition, Valfre provided updates on the various regional-related virtual meetings he attended.

Council President Wenzl highlighted various Parks and Recreation Commission (P&R)-related activities, noting P&R is planning a grand opening for Rogers Park and Anna and Abby's Yard dedication.

League of Oregon Cities' Annual Conference Debriefing:

Mayor Truax gave a brief overview of the League of Oregon Cities' Annual Conference, which was held virtually due to the Coronavirus pandemic, noting LOC selected its 2021 board of directors during its annual business meeting. Mayor Truax opened the floor and roundtable debriefing occurred. Kottkey noted she learned so much. Rippe noted Michael Sykes, retired Scappoose City Manager and former Forest Grove City Manager, was presented with the *Herman Kehrli Award*. Rippe added he would like to explore the need for a Citizens' Academy, both in English/Spanish, engaged by diverse leaders in the community, and to ensure it is the right board/commission. Valfre recapped the sessions he attended. Valenzuela noted she learned so much and it was inspiring. Valenzuela added that she wishes more people had access to the keynote speakers' information.

8. City Manager's Report:

VanderZanden referenced the draft 2020 City Livability Survey, noting staff is seeking Council feedback on up to three topics to include in the survey. The survey contains three main parts: 1) demographics, 2) policy questions, and 3) city services. VanderZanden advised to assist with the City's diversity, equity and inclusion goals, the demographics portion has been enhanced to include ethnicity and proximal location. In addition, VanderZanden announced the retirement of Tom Gamble, Parks and Recreation Director, noting Gamble has worked full-time for 32 consecutive years. Gamble spent 16 years prior to that working part-time for a combined 48 years of service. Councilmembers and VanderZanden highly commended Gamble, noting Gamble will leave an indelible mark on the City, serving it earnestly, wisely, and with unparalleled dedication. Gamble has played a pivotal role in the development of numerous park-related projects and achievements. Gamble was promoted from Aquatic Superintendent to Interim Parks and Recreation Director in 1997. Gamble became the permanent Director in 1999 and has remained in the position ever since, notwithstanding serving as Interim City Manager from 2014-2015.

9. MAYOR'S REPORT:

Mayor Truax reported on various legislative-related issues, and Washington County-related matters of interest. In addition, Mayor Truax reported attending the Western

Washington County Emergency Taskforce meetings every week, which are led by Brian Schimmel, noting the taskforce discusses food supply, community housing needs, and homeless strategies, i.e., winter shelter, strategic planning.

10. ADJOURNMENT:

Mayor Truax adjourned the regular Council meeting at 9:55 p.m.

Respectfully submitted,



Anna D. Ruggles, CMC, City Recorder